

§0.96

28 CFR Ch. I (7-1-08 Edition)

(m) Providing technical assistance to State and local governments in the improvement of their correctional systems (18 U.S.C. 4042).

[Order No. 423-69, 34 FR 20388, Dec. 31, 1969, as amended by Order No. 445-70, 35 FR 19397, Dec. 23, 1970; Order No. 579-74, 39 FR 37771, Oct. 24, 1974; Order No. 960-81, 46 FR 52348, Oct. 27, 1981]

§0.96 Delegations.

The Director of the Bureau of Prisons is authorized to exercise or perform any of the authority, functions, or duties conferred or imposed upon the Attorney General by any law relating to the commitment, control, or treatment of persons (including insane prisoners and juvenile delinquents) charged with or convicted of offenses against the United States, including the taking of final action in the following-described matters:

(a) Requesting the detail of Public Health Service officers for the purpose of furnishing services to Federal penal and correctional institutions (18 U.S.C. 4005).

(b) Consideration, determination, adjudgment, and payment of claims in accordance with 31 U.S.C. 3722.

(c) Designating places of imprisonment or confinement where the sentences of prisoners shall be served and ordering transfers from one institution to another, whether maintained by the Federal Government or otherwise, pursuant to 18 U.S.C. 4082 as it existed before the enactment of Pub. L. 98-473 (applicable to offenses committed prior to November 1, 1987).

(d) Extending the limits of the place of confinement of prisoners for the purposes specified, and within the limits established, by 18 U.S.C. 4082(c) as it existed before the enactment of Public Law 98-473, and otherwise performing the functions of the Attorney General under that section (applicable to offenses committed prior to November 1, 1987).

(e) Designation of agents for the transportation of prisoners (18 U.S.C. 4008).

(f) Prescribing regulations for the use of surplus funds in "Commissary Funds, Federal Prisons" to provide advances not in excess of \$150 to prisoners at the time of their release pursuant to

18 U.S.C. 4284 as it existed before the enactment of Public Law 98-473 (applicable to offenses committed prior to November 1, 1987).

(g) Allowance, forfeiture, and restoration of all good time pursuant to 18 U.S.C. 4161, 4162, 4165, and 4166 as those sections existed before the enactment of Public Law 98-473 (applicable to offenses committed prior to November 1, 1987).

(h) Release of prisoners held solely for nonpayment of fine as provided in 18 U.S.C. 3569 as it existed before the enactment of Public Law 98-473 (applicable to offenses committed prior to November 1, 1987).

(i) Furnishing transportation, clothing, and payments to released prisoners pursuant to 18 U.S.C. 4281 as it existed before the enactment of Public Law 98-473 (applicable to offenses committed prior to November 1, 1987).

(j) Performing the functions of the Attorney General under the provisions of 18 U.S.C. chapter 313, Offenders with Mental Disease or Defect (18 U.S.C. 4241-4247).

(k) Settlement of claims arising under the Federal Tort Claims Act as provided in 28 CFR 0.172.

(l) Entering into reciprocal agreements with fire organizations for mutual aid and rendering emergency assistance in connection with extinguishing fires within the vicinity of a Federal correctional facility, as authorized by sections 2 and 3 of the Act of May 27, 1955 (42 U.S.C. 1856a, 1856b).

(m) Deciding upon requests by states for temporary transfers of custody of inmates for prosecution under Article IV of the Interstate Agreement on Detainers (84 Stat. 1399) and pursuant to other available procedures; and receiving and reviewing requests by the executive authority of states or the District of Columbia for, and authorizing the transfer of, inmates pursuant to 18 U.S.C. 4085 as it existed before the enactment of Public Law 98-473 (applicable to offenses committed prior to November 1, 1987).

(n) Prescribing rules and regulations applicable to the carrying of firearms by Bureau of Prisons officers and employees (18 U.S.C. 3050).

(o) Promulgating rules governing the control and management of Federal

Department of Justice

§0.96c

penal and correctional institutions and providing for the classification, government, discipline, treatment, care, rehabilitation, and reformation of inmates confined therein (18 U.S.C. 4001, 4041, and 4042).

(p) Establishing and designating Bureau of Prisons Institutions (18 U.S.C. 4001, 4042).

(q) Granting permits to states or public agencies for rights-of-way upon lands administered by the Director in accordance with the provisions of 43 U.S.C. 931c and 43 U.S.C. 961 (18 U.S.C. 4001, 4041, 4042, 43 U.S.C. 931c, 961).

(r) Authority under the provisions of 18 U.S.C. 4082(b) to provide law enforcement representatives with information on Federal prisoners who have been convicted of felony offenses and who are confined at a residential community treatment center located in the geographical area in which the requesting agency has jurisdiction (18 U.S.C. 4082).

(s) Approving inmate disciplinary and good time regulations (18 U.S.C. 3624).

(t) Contracting, for a period not exceeding three years, with the proper authorities of any State, Territory, or political subdivision thereof, for the imprisonment, subsistence, care, and proper employment of persons convicted of offenses against the United States (18 U.S.C. 4002).

[Order No. 1617-92, 57 FR 38772, Aug. 27, 1992, as amended by Order No. 1884-94, 59 FR 29717, June 9, 1994; Order No. 2204-99, 64 FR 4295, Jan. 28, 1999]

§0.96a Interstate Agreement on Detainers.

The Director of the Bureau of Prisons is designated as the U.S. Officer under Article VII of the Interstate Agreement on Detainers (84 Stat. 1402).

[Order No. 462-71, 36 FR 12212, June 29, 1971]

§0.96b Exchange of prisoners.

The Director of the Bureau of Prisons and officers of the Bureau of Prisons designated by him are authorized to receive custody of offenders and to transfer offenders to and from the United States of America under a treaty as referred to in Public Law 95-144; to make arrangements with the States and to receive offenders from the States for

transfer to a foreign country; to act as an agent of the United States to receive the delivery from a foreign government of any person being transferred to the United States under such a treaty; to render to foreign countries and to receive from them certifications and reports required under a treaty; and to receive custody and carry out the sentence of imprisonment of such a transferred offender as required by that statute and any such treaty.

[Order No. 758-77, 42 FR 63139, Dec. 15, 1977]

§0.96c Cost of incarceration.

(a) The Attorney General is required to establish and collect a fee to cover the cost of one year of incarceration. These provisions apply to any person who is convicted in a United States District Court and committed to the custody of the Attorney General, and who begins service of sentence on or after December 27, 1994. For the purposes of this subpart, revocation of parole or supervised release shall be treated as a separate period of incarceration for which a fee may be imposed.

(b) The fee to cover the costs of incarceration shall be calculated by dividing the number representing the obligation encountered in Bureau of Prisons facilities (excluding activation costs) by the number of inmate-days incurred for the year, and by then multiplying the quotient by 365. The resulting figure represents the average cost to the Bureau for confining an inmate for one year.

(c) The Director of the Bureau of Prisons is delegated the authority to collect the fee to cover the cost of incarceration from inmates committed to the custody of the Attorney General and to promulgate all regulations concerning the collection of the fee.

(d) The Director shall review and determine the amount of the fee not less than annually in accordance with the formula set forth in paragraph (b) of this section. The Director shall publish each year's fee as a Notice in the FEDERAL REGISTER.

[Order No. 1932-94, 59 FR 60558, Nov. 25, 1994]